

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-46

Property Owner: Roger H. Carpenter

Petitioner: Gateway Homes, LLC

Location: Approximately 22.52 acres located on the west side of North Brevard Street between the Mattheson Avenue bridge and East 36th Street.

Center, Corridor or Wedge: Corridor

Request: I-2, general industrial, to MUDD(CD), mixed use development district, conditional.

Note: Staff is requesting a thirty-day deferral of this request to evaluate the Traffic Impact Study.

Summary

This petition proposes to rezone approximately 22.52 acres located on the west side of North Brevard Street between the Mattheson Avenue bridge and East 36th Street, from I-2 to MUDD(CD) to allow the construction of up to 520 multi-family residential units at an overall density of 23.1 dwelling units per acre.

Consistency and Conclusion

This petition is located within one-quarter mile of a proposed rapid transit station and is consistent with the *Transit Station Area Principles*, which recommend that new residential development within ¼ mile from a transit station have a density of 20 dwelling units per acre (net) or greater. The proposed development will result in a density of 23.1 dwelling units per acre. The new development will be accessed through entrances from East 33rd and Brevard Street. In addition, the development will provide a stub connection to the adjacent parcel to the northeast.

This property is located adjacent to existing railroad and future CATS easements and rights-of-way. CATS is requesting dedication of property and a construction and permanent maintenance easement in affiliation with the proposed Northeast Corridor Light Rail project. In addition, the North Carolina Railroad Company has reviewed the request and provided comments on the development proposal and its proximity to a freight corridor, project design and location of buildings, and the use of the NCRR corridor for the future Northeast Corridor Light Rail project.

All of these issues and outstanding site plan items will need to be adequately addressed and resolved in order for this project to gain staff support.

Existing Zoning and Land Use

The subject property is zoned I-2 and developed with industrial uses. Properties to the north and west are zoned I-1 and I-2 and developed with office and industrial uses. To the east and south are properties zoned MUDD-O, B-1, O-1(CD), R-22MF, NS, and R-5 and developed with residential, office, commercial and industrial uses.

Rezoning History in Area

There have been several rezonings to MUDD-O south of the subject property, along North Davidson Street. Petition 2002-109 rezoned .62 acres from R-5 to MUDD-O to allow retail uses, a salon and a studio. Petition 2003-66 rezoned approximately .39 acres from R-5 to MUDD-O to allow office/retail uses and a studio for potters. Petition 2003-70 rezoned approximately .27 acres from NS to MUDD-O to allow a mixed use project consisting of retail, restaurant, and residential uses. Petition 2005-132 rezoned .23 acres from R-5 to MUDD-O to permit general office uses. Petition 2006-46 rezoned approximately .45 acre from NS to MUDD-O to allow a mixed use project consisting of commercial and residential uses. In addition, Petition 2002-93 rezoned .52 acres from R-5 to O-1(CD) to accommodate parking for an existing restaurant.

Public Plans and Policies

Northeast Transit Corridor – Transit Station Area Principles. This parcel is within a ½ mile of a light rail transit station identified as part of the Locally Preferred Alternative at 27th and 36th streets. *The Transit Station Area Principles* (2001) that are part of the *General Development Policies*. Those policies recommend residential densities at a minimum of 15 dwelling units per acre between a ¼ and ½ mile of transit station areas. The principles also recommend preserving and protecting existing stable neighborhoods. The station area concepts developed for these stations as part of the DEIS process identifies this site as appropriate for transit supportive redevelopment (the concepts have not been adopted, but are used to help determine the feasibility of transit supportive uses around future station areas).

North Charlotte Plan (1995). The *North Charlotte Plan* recommends industrial land uses for this parcel.

Central District Plan (1993). The *Central District Plan* recommends industrial land uses for this parcel.

Proposed Request Details

This petition proposes to develop a maximum of 520 multi-family residential units at an overall density of 23.1 dwelling units per acre. The site plan accompanying this petition contains the following additional provisions:

- Permitted uses to be those allowed in the MUDD zoning district
- Construction of 520 residential units, with 320 units proposed on Parcel A and 200 units proposed on Parcel B
- Pool amenity and pedestrian courtyards
- Maximum of two detached monumental project identification signs, to not exceed seven (5) feet in height and not to exceed 20 square feet in signage area on either side
- Limiting of access points as depicted in plan, unless additional required by CDOT
- Provision of elevations depicting proposed buildings

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT notes that this site could generate approximately 1,650 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 3,500 trips per day, reduced from 4,200 trips per day due to a decrease in the proposed number of units. This will have a significant impact on the surrounding thoroughfare system.

Therefore, CDOT has requested that the developer submit a Traffic Impact Study (TIS) in order to evaluate the effect that the site generated traffic will have on the thoroughfare system in the vicinity. A TIS is currently being prepared. Additional CDOT comments are attached.

CATS. CATS has provided comments pertaining dedication of property and CATS right-of-way, and relocation of a proposed building.

Connectivity. The proposed development will be accessed through entrances from East 33rd and Brevard Street. In addition, the development will provide a stub connection to the adjacent parcel to the northeast. Pedestrian circulation will be provided via sidewalks where feasible, courtyards and corridors.

Storm Water. Notes should be added to the site plan pertaining to comments provided by Charlotte-Mecklenburg Storm Water Services and Mecklenburg County Land Use and Environmental Services Agency on Storm Water Quantity Control, Storm Water Quality Treatment, Volume and Peak Control, and Stream Buffers.

School Information. Charlotte Mecklenburg Schools has reviewed the petition indicated that adequacy of existing school capacity in this area is a problem, noting the resulting increase in overcrowding and/or reliance upon mobile classrooms at the affected schools. The development will add approximately 93 students to the schools in this area.

It should be noted that the above calculations are based upon the original request to develop 620 dwelling units, which has since been reduced to 520 units.

Solid Waste (City). Notes should be added to the site plan pertaining to comments provided by City Solid Waste Services on multi-family complexes and associated requirements as stated in Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, compactor and recycling areas.

Outstanding Issues

Land Use. The proposal is inconsistent with both the *North Charlotte Plan* (1995) and the *Central District Plan* (1993), which recommend industrial uses. However, the proposal is consistent with the recent 27th and 36th street station area concepts, which encourage transit supportive uses in this location, and the *Transit Station Area Principles* as long as the site design meets these principles.

Site plan. The following site plan issues are still outstanding:

- Maintain railroad setback.
- Show crossing access locations.
- Provide conceptual building elevations (both south and north) of the parking decks
- Correct note D 1 to read: The open space provided shall “meet” or exceed the requirement set forth in the MUDD zoning district in the ordinance.
- Label the elevations to depict the materials on the building façade
- All CDOT issues should be addressed.
- All Storm Water Services issues should be addressed.
- All CATS issues should be addressed.